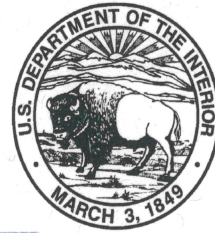




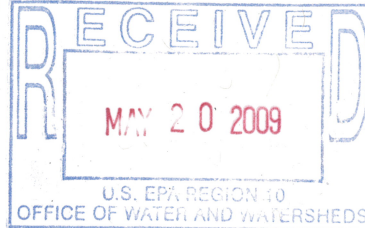
## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Anchorage Fish and Wildlife Field Office  
605 West 4<sup>th</sup> Avenue, Room G-61  
Anchorage, Alaska 99501-2249



in reply refer to AFWFO

Lisa Olson  
Environmental Protection Agency  
1200 Sixth Avenue, Suite 900  
Seattle, Washington 98101



May 20, 2009

Re: Anchorage Water and Wastewater Utility (*Consultation number 2009-0120*)

Dear Ms. Olson,

On May 14, 2009, we received the letter from Michael J. Lidgard, Manager, NPDES Permits Unit, that the Environmental Protection Agency granted "application status" to the Anchorage Water and Wastewater Utility for the purposes of Endangered Species Act consultation on the 301(h) waiver determination and permit reauthorization for the John M. Asplund Water Pollution Control Facility.

Our records indicate that there are no federally listed or proposed species, and/or designated or proposed critical habitat, within the action area of the proposed project. In view of this, requirements of section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq., as amended; ESA) have been satisfied. However, obligations under the ESA must be reconsidered if new information reveals project impacts that may affect listed species or critical habitat in a manner not previously considered, if this action is subsequently modified in a manner which was not considered in this assessment, or if a new species is listed or critical habitat is determined that may be affected by the identified action.

This letter relates only to federally listed or proposed species, and/or designated or proposed critical habitat, under our jurisdiction; namely, the Aleutian shield fern (*Polystichum aleuticum*, listed as endangered in 1988), spectacled eider (*Somateria fischeri*, listed as threatened in 1993), North American breeding Steller's eider (*Polysticta stelleri*, listed as threatened in 1997), the southwest distinct population segment of northern sea otter (*Enhydra lutris kenyoni*, listed as threatened in 2005), short-tailed albatross (*Phoebastria albatrus*, listed as endangered in 2000), polar bear (*Ursus maritimus*, listed as threatened in 2008), Kittlitz's murrelet (*Brachyramphus brevirostris*, listed as a candidate species in 2005), and yellow-billed loon (*Gavia adamsii*, listed as a candidate species in 2009). This letter does not address species under the jurisdiction of the National Marine Fisheries Service, or other legislation or responsibilities under the Fish and Wildlife Coordination Act, Clean Water Act, National Environmental Policy Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, or Bald and Golden Eagle Protection Act.

Thank you for your cooperation in meeting our joint responsibilities under section 7 of the ESA. If you have any questions, please contact me at (907) 271-3063 and refer to consultation number 2009-0120.

Sincerely,

Tim Langer, Ph.D.  
Endangered Species Biologist